

HUMBOLDT COUNTY BOARD OF SUPERVISORS
NONAGENDA ITEM REQUEST
(Please complete all blanks)

B-1

DATE: 11/3/14

SEE ACTION SUMMARY

TO: CLERK OF THE BOARD OF SUPERVISORS

FROM: County Administrative Office

1. It is requested that the following nonagenda matter be heard at the meeting of 11/4/14
(enter date)

SUBJECT:

Resolution for exception to the 180-day wait period and temporary employment of a retired consultant

2. This item requires immediate Board action, because (check one, and explain below what circumstances occurred that require Board action after current agenda was posted and/or why an "emergency situation" exists):

- An emergency situation exists as defined in Note 1 (a) below.
- The need to take action arose after the current agenda was posted.
- The item was posted as described in Note 1 (c) below.

EXPLANATION:

~~IA~~ The requirement by CalPERS for a resolution was not known until 11/3/14 by the department.

RECOMMENDED BOARD ACTION:

Adopt the attached resolution for an exception to the 180-day wait period and employment.

SUPERVISOR'S SIGNATURE: Cheryl Dilligian

NOTE:

1. The Board may not take action on nonagenda items unless the Board:
 - (a) Determines by a majority vote that an "emergency situation" exists (now defined by statute as a work stoppage or other activity which severely impairs public health, safety or both, or a crippling disaster which severely impairs public health, safety or both); or
 - (b) Determines by at least 4 votes when 5 members are present, 3 votes if 4 members are present, or 3 votes if 3 members are present, that the need to take action arose after the agenda was posted; or
 - (c) Determines that the item posted, as provided by law, for a prior meeting of the Board which occurred not more than five (5) calendar days before the date of the meeting at which action is to be taken, and at the prior meeting the item was continued to the meeting at which the action is to be taken.
2. Any Supervisor may request that consideration of a nonagenda item be deferred to a future regular agenda in the absence of a finding by the majority of board members present that circumstances necessitate immediate action on the item. Any item so deferred must be described on the regular agenda for the future meeting to which the item is deferred and shall be posted as required by law.

Approval of CAO Cheryl Dilligian Approval of County Counsel Wendy Carter

SEE ACTION SUMMARY



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

B-1

For the meeting of: November 4, 2014

Date: November 3, 2014

To: Board of Supervisors

From: Phillip Smith-Hanes, County Administrative Officer *PSH*

Subject: Resolution for Exception to the 180-day Wait Period and Temporary Employment of a Retired Annuitant

RECOMMENDATION(S):

That the Board of Supervisors adopt the attached resolution for an exception to the 180-day wait period and employment of Mark Magladry as a temporary "retired annuitant" Legal Office Business Manager with the Probation Department.

SOURCE OF FUNDING:

General Fund Probation budget unit 1100235.

DISCUSSION:

On October 28, 2014 your Board received a departmental report and certified that the employment of Mark Magladry as a temporary "retired annuitant" Legal Office Business Manager with the Probation Department is necessary to fill a critically needed position before the 180-day wait period has expired. At that time staff did not realize that a resolution was required by the California Public Employees Retirement

Prepared by Cheryl Dillingham

CAO Approval *Amy Olsen*

REVIEW:

Auditor _____ County Counsel *WBC*

Human Resources _____ Other _____

TYPE OF ITEM:

- Consent
- Departmental
- Public Hearing
- Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. H-1

Meeting of: 10/28/2014

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Lovelace* Seconded by Supervisor *Sundberg*

Ayes *Sundberg, Lovelace, Bohn, Fennell, Bass*

Nays _____

Abstain _____

Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *Nov. 4, 2014*

By: *Kathy Hayes*

Kathy Hayes, Clerk of the Board

System (CalPERS) for this type of employment. The attached resolution is needed to comply with CalPERS requirements for an exception to the 180-day wait period for post-retirement employment.

FINANCIAL IMPACT:

The costs associated with the extra-help employment are estimated to not exceed \$2,739 per pay period and are available in the Probation Department budget. These costs will not be on-going and are will be for a limited duration.

This agenda item supports the Board's Strategic Framework by investing in County employees and providing community-appropriate levels of service.

OTHER AGENCY INVOLVEMENT:

CalPERS

ALTERNATIVES TO STAFF RECOMMENDATION:

Board discretion.

ATTACHMENTS:

Resolution

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting of November 4, 2014

RESOLUTION NO. 14-87

**RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD
GC SECTIONS 7522.56 & 21224**

WHEREAS, in compliance with Government Code section 7522.56 the Humboldt County Board of Supervisors must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his retirement date; and

WHEREAS, Mark Magladry (Employee ID # M4490) retired from Humboldt County Probation Department in the position of Legal Office Business Manager, effective October 31, 2014; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is April 30, 2015 without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Humboldt County Board of Supervisors, the Humboldt County Probation Department and Mark Magladry certify that Mark Magladry has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Humboldt County Board of Supervisors hereby appoints Mark Magladry as an extra help retired annuitant to perform the duties of the Legal Office Business Manager for the Humboldt County Probation Department under Government Code section 21224, effective November 6, 2014; and

WHEREAS, the entire employment agreement, contract or appointment document between Mark Magladry and the Humboldt County Probation Department has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is \$6,364.48 and the hourly equivalent is \$36.27, and the minimum base salary for this position is \$4,959.75 and the hourly equivalent is \$28.61; and

WHEREAS, the hourly rate paid to Mark Magladry will be \$34.24; and

WHEREAS, Mark Magladry has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

NOW, THEREFORE, BE IT RESOLVED that the Humboldt County Board of Supervisors hereby certifies the nature of the appointment of Mark Magladry as described herein and detailed in the attached Agenda Item H-1, dated October 28, 2014 is necessary to fill the critically needed position of Legal Office Business Manager for the Humboldt County Probation Department by November 6, 2014 because Mark Magladry has unique knowledge and skills related to the complex funding streams, contract obligations, interagency memoranda of understanding, and administrative operations of the

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting of November 4, 2014

RESOLUTION NO. 14-87

Department, which no other existing County staff has. Additionally, the incoming Legal Office Business Manager does not have familiarity with the Department, its complex funding streams, contracts, MOUs or administrative operations. This appointment will allow a brief period of support and instruction that will provide for uninterrupted operation of the Department's business and a smooth transition for the new Legal Office Business Manager at a critical time where a number of fiscal challenges need to be addressed immediately and into the coming fiscal year.

Dated: November 4, 2014



REX BOHN, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Lovelace, seconded by Supervisor Sundberg, and the following vote:

AYES:	Supervisors	Sundberg, Lovelace, Bohn, Fennell, Bass
NAYS:	Supervisors	--
ABSENT:	Supervisors	--
ABSTAIN:	Supervisors	--

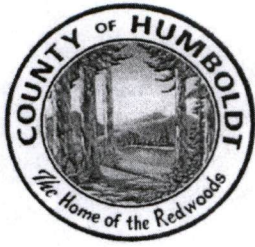
STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



By ANA HARTWELL
Deputy Clerk of the Board of Supervisors of the
County of Humboldt, State of California



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
H-1

For the meeting of: October 28, 2014

Date: October 9, 2014
To: Board of Supervisors
From: William Damiano, Chief Probation Officer
Subject: Employment of temporary retired annuitant as Legal Office Business Manager in the Probation Department

RECOMMENDATION(S):

That the Board of Supervisors:

Resolve that the employment of Mark Magladry as a temporary "retired annuitant" Legal Office Business Manager with the Probation Department (budget unit 235) is necessary to fill a critically needed position and that Mr. Magladry's employment as a temporary "retired annuitant" is needed before the CalPERS "180-day wait period" has expired.

SOURCE OF FUNDING:

Probation budget unit 1100235.

DISCUSSION:

Legal Office Business Manager Mark Magladry is retiring from County employment on October 31, 2014, with over 28 years of experience working in county departments. Mr. Magladry has worked for the

Prepared by Bill Damiano CAO Approval Cheyl Dillingham
REVIEW: Auditor MSM County Counsel _____ Personnel DF Risk Manager _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____
Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor Sundberg Seconded by Supervisor Bass
Ayes Sundberg, Lovelace, Bohm, Fennell, Bass
Nays _____
Abstain _____
Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: Oct. 28, 2014
By: Ann Huntwell
Kathy Hayes, Clerk of the Board

Probation Department since April 2009 in a fiscal management position. For the last three of those years, he has served as the Legal Office Business Manager for the Department. This position is responsible for the management and oversight of the fiscal processes involving the Department's seven budget units (over \$10.7 million combined) and the County Public Safety Realignment Fund (nearly \$4 million in revenue annually), grant claiming and reporting, contract development and management, as well as administration of all support services for the Department's multiple offices and detention facilities.

Probation has been working with the Human Resources Department to recruit for and fill the Legal Office Business Manager position, but the process has taken much longer than hoped for. The original intent that was supported by both the County Administrative Office and Human Resources Department was to have an overlap with the incoming Business Manager in order to transfer critical knowledge and to ensure as smooth a transition as possible for this key position. The earliest that Department interviews could be conducted was on October 7th, and though an offer has been made and accepted, there is a lengthy background investigation process required for hiring into our public safety department. If the background is successful, since the candidate is a current County employee, a two-week notice requirement will follow that, which will necessarily result in a significant gap in coverage for this critical position. Of course, if the background is unsuccessful, the gap could be quite extensive before a suitable candidate can be in position.

The appointment of Mr. Magladry is necessary to ensure that critically needed functions of the Department continue and to prevent disruption of public business until such time as the position can be adequately filled. Additionally, the appointment would allow for the incoming Business Manager to receive the originally intended transfer of knowledge and orientation to the complexities of Probation's various funding sources, as well as fiscal and programmatic reporting requirements and processes. Mr. Magladry is uniquely qualified and able to impart that knowledge.

The Probation Department is requesting approval of Mark Magladry as a temporary "retired annuitant" Legal Office Business Manager (Budget Unit 235) to fill a critically needed position and that the Board of Supervisors resolve that Mr. Magladry's employment as a temporary "retired annuitant" is needed before expiration of the CalPERS 180-day wait period as required by California Government Code section 7522.56(f)(1).

FINANCIAL IMPACT:

Mr. Magladry would be hired into an existing job class with a designated wage assignment equal to other County employees performing comparable duties. Under the 2014-15 AFSCME contract, costs associated with this hire would not exceed \$2,739.34 per pay period. Funds are available in the Probation Department budget.

This agenda item supports the Board's Strategic Framework by investing in County employees and providing community-appropriate levels of service.

OTHER AGENCY INVOLVEMENT:

Humboldt County Human Resources Department

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board may choose to decline staff's recommendation. In that case, the Department would do its best to manage all of these specialized duties and responsibilities; however, the Department may be unable meet various claiming and reporting timelines and requirements if the position is unfilled for an extended period

of time, which could jeopardize future funding and/or risk significant audit exceptions that could affect County General Funds, as well as potential loss of public safety services supported by those funds.

ATTACHMENTS: None.